

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

APR 29 1975
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

In the Matter of)
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)

1. The Commission has stated that it will process applications for modification of licenses or permits to specify a new city of license in the course of rulemaking proceedings to change the table of allocations unless the station has been serving the originally licensed community for less than one year and the licensee or permittee “had received in a comparative hearing a decisionally significant preference that would not have been granted had the comparative contest been for a station at the new proposed community.” Clarification Order at 7097. Although Palmetto has not provided service to the original community of license (Boca Raton) for one year, the grant of the construction permit to the original permittee did not involve any preference based upon or related to the original community of license.

2. An examination of the Commission’s files confirms that the application of Palmetto’s predecessor in interest, Palm Beach County Educators Broadcasting, Inc. (PBCEB), was designated for hearing with one other applicant which had also specified Boca Raton, Florida, as the community of license. In re Applications of Full Gospel Church of the Living God, Inc., et al., 1984 Lexis 1981 (released September 14, 1984).^{2/} Thus, the proceedings resulting in a grant of the construction permit to PBCEB did not involve issues under Section 307(b) of the Communications Act.


3. Although a standard comparative issue was designated, the ultimate disposition of the proceeding and the grant of the construction permit to PBCEB was not based upon comparative considerations. By order of the Administrative Law Judge, the only remaining application mutually exclusive with that of PBCEB was dismissed with prejudice upon approval of a settlement agreement entered into between PBCEB and Acorn TV In Action For

^{2/} There were initially three applicants: PBCEB; Full Gospel Church of the Living God, Inc.; and Acorn TV In Action For Communities. The application of Full Gospel Church of the Living God, Inc., was dismissed for failure to demonstrate qualification to operate on a reserved educational channel. Hearing Designation Order at ¶ 3.

Communities. FCC 85M-3724 (unreported). The order granting PBCEB's application became final without further proceedings. Accordingly, grant of the construction permit to PBCEB was not based upon a decisionally significant preference arising from, or relating to, the original community of license.

4. For these reasons, Palmetto respectfully submits that modification of the permit to specify a new city of license is appropriate for consideration in the course of the rulemaking proceeding sought by the Joint Petition.

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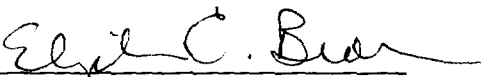
Attorneys for Palmetto Associated Broadcasters for
Communities, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of July, 1993 a copy of the foregoing Supplement to Joint Petition for Rulemaking was mailed, first-class postage prepaid, to:

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